

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions and listings of claims in the application:

**LISTING OF CLAIMS:**

Claims 1-22. Cancelled.

Claim 23. (New) A promoter comprising SEQ ID NO: 1.

Claim 24. (New) A plasmid comprising the promoter of Claim 23.

Claim 25. (New) A transgenic plant cell comprising the promoter of Claim 23.

Claim 26. (New) A transgenic plant comprising the promoter of Claim 23.

Claim 27. (New) A promoter comprising SEQ ID NO: 2.

Claim 28. (New) A plasmid comprising the promoter of Claim 27.

Claim 29. (New) A transgenic plant cell comprising the promoter of Claim 27.

Claim 30. (New) A transgenic plant comprising the promoter of Claim 27.

Claim 31. (New) A promoter comprising SEQ ID NO: 3.

Claim 32. (New) A plasmid comprising the promoter of Claim 31.

- Claim 33. (New) A transgenic plant cell comprising the promoter of Claim 31.
- Claim 34. (New) A transgenic plant comprising the promoter of Claim 31.
- Claim 35. (New) A method for activating expression of an exogenous structural gene or an endogenous structural gene wherein said method comprises incorporating the promoter according to Claim 23, Claim 27, or Claim 31 upstream of said structural gene.